

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

Applicant(s)           **Atwater, Antonio**  
Application           **09/843,289**  
Confirmation          **7918**  
Filed                  **24 April 2001**  
Application Title     **Method and Apparatus For Receiving Full-Motion Digital Video  
Multi-Casts, Interactive Data and Interactive Voice Via A DSL  
Circuit**  
Art Unit               **2416**  
Latest Examiner      **Nguyen, Phuongchau Ba**

**Mail Stop Amendment**

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

**DECLARATION UNDER 37 C.F.R. § 1.131 OF EDWARD DRAKE**

1. I, Edward Drake, declare that all statements in this declaration that are made of my own knowledge are true and that are made on information and belief are believed to be true.
2. I am an inventor of the inventions described in the above-referenced patent application. Antonio Atwater is a co-inventor.
3. I was employed by SourceNet Corporation from 1997 to 2000. SourceNet Corporation was acquired by Myrio Corporation (“Myrio”) in April of 2000. I held the titles of On Demand Network Project Manager, Director of Technology, and Vice President Software Development at SourceNet and/or Myrio.
4. In June 1997, SourceNet demonstrated IP multicasting to a television at a technology fair in Churchhill County, Nevada.

5. Prior to 11 September 1997, Antonio Atwater and I developed a concept for sending video content using IP multicasting to equipment at a customer's set-top box. The overall concept is described in the white paper entitled "The On Demand Network White Paper" that I prepared prior to 11 September 1997. Attachment A of this declaration includes a later draft of that White Paper that was prepared on 5 September 1997. The draft of Attachment A describes concepts that we had developed prior to 5 September 1997.
6. Prior to 11 September 1997, we developed the concept of allowing a viewer to use a web browser to select which video content is to be multicast to the viewer's set-top box. "The On Demand Network White Paper" describes the concept in the following way:  
"The set-top box will be connected via network interface and will have it's [sic] unique IP number. It's [sic] main interface will consist of a Web browser. The menus presented will allow users to access the internet directly, order videos on demand, and view network and cable television." (Attachment A, page 3, paragraph 6.)
7. Prior to 11 September 1997, Ryan Petty and I prepared a document entitled "The On Demand Network Channel Announcement System™ (CHAS). (Attachment B contains a later draft of that document that document that is dated 19 September 1997.) The document describes the CHAS system that explains how a set-top box will become aware of the video content that is currently available to be multicast to the viewer's set-top box.
8. Prior to 11 September 1997, SourceNet engaged the law firm of Townsend and Townsend and Crew ("T&T") to prepare and file ("parent") patent application (US 08/991,391, filed 16 December 1997), of which the above-referenced patent application is a "continuation" (or "child"). During the period from prior to 11 September 1997 until 16 December 1997, I was working with Paul Durdik, a patent attorney at T&T, to prepare and file that parent patent application. For example, on 15 September 1997, I sent to Durdik via facsimile a copy of the white paper shown in Attachment A. On 19 September 1997, I sent to Durdik via facsimile a copy of the document shown in Attachment B. On 29 September 1997, I received via facsimile (see Attachment C) from

**PATENT**  
**Application 09/843,289**  
**Attorney Docket 2005P12928US (1120-005)**

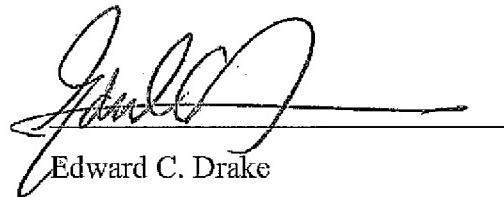
Durdik proposing drawings that were to be included in the parent patent application.

During that period, I had several conferences with Durdik during which I explained the technology described in the parent patent application. I also reviewed drafts of the parent patent application prepared by Durdik and provided comments on changes that should be made.

9. During the period from prior to 11 September 1997 until 16 December 1997, my responsibility at SourceNet was to develop a prototype system that implemented the technology described in the parent patent application. I worked full-time during that period to develop the prototype and assist with the preparation of the parent patent application.

I further declare that all statements made herein of my own knowledge are true and that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under section 1001 of Title 18 of the United States Code and that willful false statements may jeopardize the validity of the application or any patent issuing thereon.

Signed this 29 day of September 2009



Edward C. Drake